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Supreme Court, U.S.
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OFFICE OF THE CLERK

In The

Supreme Court of the United States

GARY HOWSAM, a Canadian national and GREENLIGHT FILM & TELEVISION INC., an Ontario, Canada corporation,

Petitioners,

v.

SUPERIOR COURT OF THE COUNTY OF LOS ANGELES,

Respondent,

COMERICA BANK, a Michigan corporation,

Real Party In Interest.

On Petition For A Writ Of Certiorari To The Supreme Court Of California

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Is it fair and reasonable for California to exercise personal jurisdiction over international parties based solely upon allegations of imputed conduct, such as alter ego or conspiracy, and thereby, supersede integrated contractual arrangements that did not provide for jurisdiction in the forum state against the international parties, where said parties otherwise have insufficient minimum contacts with the forum to be subject to its jurisdiction?

PARTIES TO PROCEEDING

Pursuant to Rule 14.1(b), the following is a list of all parties named in the action: Gary Howsam, a Canadian national, Greenlight Film & Television Inc., a Canadian corporation, Janus Productions Inc., a Canadian corporation, GFT-Going Back Films Inc., a Canadian corporation, GFT/Redwood KOTN Films Inc., a Canadian corporation, GFT Heresy Films Inc., a Canadian corporation, GFT Circle Films Inc., a Canadian corporation, GFT Road Rage Films Inc., a Canadian corporation, GFT/Redwood Ignition Films Inc., a Canadian corporation, GFT Entertainment Inc., a Canadian corporation, Michelle Glockler, a California resident, Adam Bennecke, a California resident.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, petitioner states that the parent corporation of Petitioner Greenlight Film & Television Inc., is CPC Communications Inc., an Ontario, Canada private corporation. No public company holds any of Petitioner's stock.

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PETITION FOR A WRIT OF CERTIORARI

Petitioners Gary Howsam and Greenlight Film & Television Inc. respectfully petition for a writ of certiorari to review the denial of a petition for review to the Supreme Court of California.

OPINIONS BELOW

The denial of review by the Supreme Court of California is included in the Appendix at p. 1. The denial without opinion of Petitioners' writ of mandate to the Court of Appeal of the State of California, Second Appellate District is included in the Appendix at p. 3. The minute order of the Superior Court for the County of Los Angeles denying Petitioners' motion to quash service of summons for lack of personal jurisdiction and motion to dismiss on grounds of forum non conveniens is included in the Appendix at p. 5. The Reporter's Transcript of proceedings and oral argument before the Superior Court is included in the Appendix at pp. 82-107.

STATEMENT OF JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257. A petition for review to the California Supreme Court was denied on July 13, 2005. App. at p. 1. The federal issue raised by Petitioners relates to the application of California's long-arm statute which permits a court to exercise personal jurisdiction over a nonresident defendant to the full extent permitted by the Due Process Clause of the United States Constitution. (Cal. Code Civ. Proc. § 410.10).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution, Fourteenth Amendment: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Cal. Code Civ. Proc. § 410.10: Jurisdiction exercisable: A court of this state may exercise jurisdiction on any basis not inconsistent with the Constitution of this state or of the United States.

Cal. Code Civ. Proc. § 418.10: Notice of motion to quash service or to stay or dismiss action; Petition for writ of mandate, and responsive pleading; Default and general appearance:

(a) A defendant, on or before the last day of his or her time to plead or within any further time that the court may for good cause allow, may serve and file a notice of motion for one or more of the following purposes:

(1) To quash service of summons on the ground of lack of jurisdiction of the court over him or her.

(2) To stay or dismiss the action on the ground of inconvenient forum.

(3) To dismiss the action pursuant to the applicable provisions of Chapter 1.5 (commencing with Section 583.110) of Title 8.

(b) The notice shall designate, as the time for making the motion, a date not more than 30 days after filing of the notice. The notice shall be served in the same manner, and at the same times, prescribed by subdivision (b) of Section 1005. The service and filing of the notice shall extend the defendant's time to plead until 15 days after service upon him or her of a written notice of entry of an order denying his or her motion, except that for good cause shown the court may extend the defendant's time to plead for an additional period not exceeding 20 days.

(c) If the motion is denied by the trial court, the defendant, within 10 days after service upon him or her of a written notice of entry of an order of the court denying his or her motion, or within any further time not exceeding 20 days that the trial court may for good cause allow, and before pleading, may petition an appropriate reviewing court for a writ of mandate to require the trial court to enter its order quashing the service of summons or staying or dismissing the action. The defendant shall file or enter his or her responsive pleading in the trial court within the time prescribed by subdivision (b) unless, on or before the last day of the defendant's time to plead, he or she serves upon the adverse party and files with the trial court a notice that he or she has petitioned for a writ of mandate. The service and filing of the notice shall extend the defendant's time to plead until 10 days after service upon him or her of a written notice of the final judgment in the mandate proceeding. The time to plead may for good cause shown be extended by the trial court for an additional period not exceeding 20 days.